

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

MARGIE GAIL DURKEE; MICHAEL
EARL DURKEE; JACKIE NEWTON,
Guardian ad Litem on behalf of C.D.;
BARNEY DURKEE; BARBARA
DURKEE; TIMOTHY CABLE, Guardian
ad Litem on behalf of D.B., a minor,
CAMELIA BUCHANAN and KENNETH
BUCHANAN,

Plaintiffs,

v.

C.H. ROBINSON WORLDWIDE, INC.;
C.H. ROBINSON COMPANY;
GEOLOGIC SOLUTIONS, INC.; XATA
CORPORATION; N&W HOLDINGS,
LLC; PEOPLEASE CORPORATION;
CORETRANS, LLC; DOMTAR PAPER
COMPANY, LLC, d/b/a DOMTAR
CORPORATION; DOMTAR
INDUSTRIES, INC.; DOMTAR, INC.; and
DOMTAR CORPORATION,

Defendants.

1:08-cv-429-MR-DLH

PROTECTIVE ORDER

WHEREAS, written discovery requests of Plaintiffs seek copies of documents which may contain confidential, proprietary, trade secrets or other commercially sensitive business information; and

WHEREAS, Defendants object to production of aforementioned discovery requests for multiple reasons, including the concern that such documents may contain confidential, proprietary, trade secrets or other commercially sensitive business information, the disclosure of which could cause harm or damage to Defendants or to Defendants' insured and which should be restricted;

WHEREAS, Plaintiffs are willing to limit the use of such documents produced and to protect the claimed confidentiality of these documents; and

WHEREAS, all parties have consented to entry of this Order,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Defendants will produce documents responsive to Plaintiffs' requests for production that are otherwise discoverable and for which no other objection has been raised, but only subject to the terms of this Order;

2. Defendants shall mark all such documents "CONFIDENTIAL."

3. Plaintiffs shall maintain any such documents so received and marked "CONFIDENTIAL" in confidence, limiting use thereof to this lawsuit, and will return or destroy any such documents at the conclusion of this litigation;

4. Plaintiffs shall ensure that any such documents will be used and viewed only by Plaintiffs, Plaintiffs' counsel and other personnel whose viewing of the documents is necessary and reasonable for this litigation (i.e. expert consultants and employees of plaintiff's counsel assisting in the litigation).

5. Plaintiffs shall ensure that any such documents filed with the Court will be filed under seal.

6. Plaintiffs shall ensure the each person viewing documents produced under the terms of this Order shall execute the memorandum of understanding attached hereto as Exhibit A.

Signed: August 15, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge



EXHIBIT A
MEMORANDUM OF UNDERSTANDING

I have been informed by counsel that certain documents or information to be disclosed to me in connection with the matter entitled Durkee et al v. C.H. Robinson Company et al, have been designated as confidential. I have been informed that any such document or information labeled as "CONFIDENTIAL" are confidential by Order of the Court.

Under penalty of contempt of Court, I hereby agree that I will not disclose any information contained in such documents to any other person, and I further agree not to use any such information for any purpose other than this litigation.

DATED: _____

(Seal)

Signed in the presence of:

(Attorney)